



U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-2243

Environmental Enforcement Section  
P.O. Box 7611  
Washington, DC 20044-7611

Telephone (202) 514-2445  
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September 2, 1998

George Y. Sugiyama, Esquire  
Dorsey & Whitney  
Suite 200, 1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Re: United States v. Minnesota Metropolitan Council

Dear George:

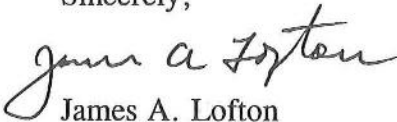
Based on Metropolitan Council's August 3, 1998, response to Joseph Santoleri's report, the United States is not convinced that the Metropolitan Council (Metro) is committed to reducing the inordinate number of emergency damper openings at its incinerators operated at the St. Paul wastewater treatment plant. We are still analyzing data, but we believe that Metro is in violation of emission limits for particulate matter (PM) in 40 C.F.R. § 60.152 and the Minnesota SIP; has continually exceeded the incinerator emission limits for PM-10 in the MPCA Order and its NSPS permit; and is in violation of 40 C.F.R. § 60.11(d) by failing to operate the St. Paul wastewater treatment facility in a manner consistent with good air pollution control practices for minimizing emissions.

EPA and I are willing to meet with you and Metro representatives again prior to filing suit, but Metro must be ready to identify affirmative, concrete steps designed to reduce emergency damper openings and to come into compliance with permit limits. In addition, Metro should be prepared to discuss a civil penalty for the violations referenced above. In short, EPA is not prepared to allow Metro to continue to operate the multi-hearth incinerators at the St. Paul plant as usual until the incinerators can be replaced. I understand that you are checking on October 1-2, 1998, in St. Paul as a meeting date.

Finally, the United States requests the following additional data from Metro: dry tons charged to each incinerator for 1997 and first half 1998 on an hourly basis; relief damper leakage data (start and stop times) for first half 1998; relief damper openings (start and stop times) for first half of 1998; incinerator pressure, relief stack pressure and relief stack temperature data for each incinerator for 1997 and first half 1998 on a five minute basis; relief damper clearances (average values) immediately prior to gasket replacement; and average length of time between gasket replacements.

George Y. Sugiyama, Esquire  
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Sincerely,

  
James A. Lofton

cc: Mary McAuliffe